

## **REMARKS**

### ***Status of Claims***

Claims 1, 2, and 4-12 are pending. The Examiner has indicated that the application is in condition for allowance, except for formal matters. Applicants acknowledge and appreciate the Examiner's statement that the claims are allowable. The formal matters are addressed below, in the order set forth by the Examiner.

### ***Oath/Declaration***

The Examiner has indicated that the previously filed Supplemental and Second Supplemental Declarations were allegedly defective. Specifically, paragraph 3 of both Declarations was cited as defective for the statement "We are the original inventors..." and paragraph 8 of both Declarations was cited as defective for the statement "These errors in claiming...". In accordance with the Examiner's suggestion, the Supplemental Declaration under 37 C.F.R. 1.175(b)(1) and a Second Supplemental Declaration under 37 C.F.R. 1.175(b)(1) were revised as follows: paragraph 3 of both Declarations was revised to state "We are the original, first and joint inventors..." and paragraph 8 of both Declarations was revised to state "All these errors in claiming...". Signed copies of the Supplemental Declaration under 37 C.F.R. 1.175(b)(1) and a Second Supplemental Declaration under 37 C.F.R. 1.175(b)(1) accompany this response. Withdrawal of this objection is respectfully requested.

### ***Priority***

The Examiner has indicated that the priority information should be corrected. As discussed with the Examiner on September 16, 2003, the specification was previously amended in response to the Office Action mailed on November 6, 2002, to correct the priority information.

More particularly, Applicants noted for the Examiner that one basis for filing the present reissue application was to correct the '283 patent's failure to adequately claim priority under 35 U.S.C. § 120 to an earlier filed copending U.S. Patent application. As explained in paragraph 7 of the reissue declaration by the patentees, the specification *incorrectly* states that

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Amdt. dated December 3, 2003  
Reply to Office Action of September 17., 2003

PATENT

USSN 06/892,423 was a CIP of USSN 06/895,857, filed August 12, 1986, which was a CIP of USSN 06/895,463, filed August 11, 1986. USSN 06/892,423, USSN 06/895,857, and USSN 06/895,463 were in fact three separate copending applications, not CIP's of each other. USSN 07/228,550 is a CIP of *each* of the copending applications. The first paragraph of the specification has been amended in accordance with the Examiner's suggestion to clarify the relationships between the priority application. Accordingly, withdrawal of this objection is respectfully requested.

### CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at 415-576-0200.

Respectfully submitted,



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